

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 1597,  
and RANDY SCHWEITZER,

Plaintiffs,

vs.

CITY OF BROKEN BOW, NEBRASKA,

Defendant.

7:17CV5009

THIRD AMENDED ORDER SETTING  
FINAL ORDER SCHEDULE FOR  
PROGRESSION OF CASE

This matter comes before the Court on the Stipulation to Extend Progression Deadlines ([Filing No. 34](#)). After review of the stipulation and consultation with the parties, the Court finds good cause exists to grant the requested extensions. However, granting the requested extensions necessitates continuing the pretrial conference and trial dates. Accordingly,

**IT IS ORDERED:** The Stipulation to Extend Progression Deadlines ([Filing No. 34](#)) is granted, and the deadlines in the Second Amended Order Setting Final Schedule for Progression of Case ([Filing No. 29](#)) are amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, Chief United States District Judge, in North Platte, Nebraska, at **9:00 a.m. on October 21, 2019**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled before the undersigned magistrate judge on **October 7, 2019**, at **11:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m. on September 30, 2019**.
- 3) The deposition deadline is **May 30, 2019**.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **June 14, 2019**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **July 8, 2019**.

- 6) Motions in limine shall be filed **seven (7)** days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 3<sup>rd</sup> day of May, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge